WP(C) 4495/2007
BEFORE
HON'BLR MR JUSTICE AMITAVA ROY

Heard Ms P. Chakraborty, learned counsel for the petitioner. Also heard Mr KN Choudhury, learned Senior counsel for the Air Port Authority of India .

Briefly stated ,the facts necessary for disposal of this petition are th at the petitioner, who is presently serving as an Office Assistant with the Ai rport Authority of India(for short 'AAI') was, by Office Memorandum dated 7.5.2 007 transferred to Agartala. She unsuccessfully challenged the said order in WP (C) No.2470/2007 amongst others, on the ground that the same was passed on e xtraneous considerations and also in contravention of the transfer guidelines o f AAI. In Writ Appeal No.281/2007 preferred by her , it was submitted on her beh alf that on personal ground it would be inconvenient for her to serve at Agartal a. It was however, submitted on instructions that the petitioner was willing t o serve at any place other than Agartala. In that view of the matter, the follow ing operative directions were issued by the learned appellate Court in its orde r dated 10.8.2007 while disposing of the appeal.

In view of the fact that the appellant is a lady and her submission th at she has some personal difficulties in going to Agartala, we called upon Mr KN Choudhury, learned Senior counsel for the respondents to ascertain from the

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respondents whether they are willing to accommodate the appellant at some other place. The learned Senior counsel reported that the respondent authorities are willing to post the appellant at some of the stations in accordance with the rel evant Rules and guidelines except Agartala.

By the order presently impugned and dated 21.8.2007 the petitioner has been tran sferred to Imphal.

Ms Chakraborty has urged that the petitioner's transfer to Imphal is vit iated by the same illegalities warranting interference of this Court. She has r eiterated that the impugned order has been afflicted by irrelevant considera tions and in an infraction of the transfer guidelines.

Mr Choudhury in reply, has submitted that in view of the litigational ba ckground and the determinations of this Court in the earlier round of litigation , the grounds presently urged are not entertainable in law.

Having regard to the adjudication in WP(C) No.2470/2007 and the order passed in Writ Appeal No.281/2007 noted hereinabove as well as the affinity of t he grounds of challenge, I am inclined to sustain the stand taken on behalf of AAI. The impugned order per se was only altered the place of the petitioner's tr ansfer from Agartala to Imphal and in this context, the submission made on her b ehalf before the appellate Court expressing her willingness to serve at any pl ace other

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than Agartala is of vital significance. Neither the learned Single Judge or the appellate bench sustained the challenge to the decision of transfer on the ground of extraneous considerations or contravention of transfer guidelines. In that view of the matter, in my opinion, it is impermissible to probe into th e same in the instant proceeding afresh.

In course of the arguments, on a query made by this Court, Mr Choudhury on ins tructions has submitted that except Agartarla and Imphal at present a vacancy exists at Kohima in the State of Nagaland. However, no accommodation being avai lable at Kohima, the petitioner being a lady has not been transferred there. Th e learned Senior counsel has kept AAI's offer vis a vis Agargala still open. Th e learned counsel for the petitioner however, on instructions submits that she(p etitioner) is not willing to avail such offer.

On a totality of the considerations as above, I do not find any merit in

this petition . It is accordingly dismissed. No costs.